

Remarks

Claims 1-19 were present in the application as filed. By preliminary amendment filed with the initial application papers, claim 6 was canceled and claim 20 was added, thereby resulting in pending claims 1-5 and 7-20. Claims 1-5 were amended in a paper that was filed contemporaneously with the filing of a Request for Continued Examination under 37 C.F.R. §1.114 to remove the finality of a final Office Action mailed July 7, 2003. In response to a non-final office action mailed February 18, 2004, claim 1 was amended and claim 20 was canceled. Claim 1 was further amended and claim 18 was canceled in a paper that was filed contemporaneously with the filing of a Request for Continued Examination under 37 C.F.R. §1.114 to remove the finality of a final Office Action mailed November 5, 2004. Claims 1-5, 7-17 and 19 remain pending in the application.

The withdrawal of the rejections of claims 1-5 and 7-19 under 35 U.S.C. §112, first and second paragraphs from the previous Office Action is acknowledged.

Rejections under 35 U.S.C. §112, second paragraph

Claims 1-5, 7-17 and 19 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Accordingly, claim 1 is amended above to replace the word "therethrough" with the word "through."

Rejections under 35 U.S.C. §112, first paragraph

Claims 15-22 are rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, that is, that the claims allegedly contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor, at the time the application was filed, had possession of the

claimed invention. Specifically, the Office Action states that the phrase, "wherein after this step the amount of ionic surfactant remaining in said solution is less than .002%..." does not appear in the specification and that the limitation is disclosed only in the context of isolation of HA utilizing deoxycholate.

As a preliminary matter, the language appears, albeit in a varied form, on page 17 of the specification in a discussion of the ability of residual surfactant to interfere with the determination of the endotoxin levels in the treated process solution. While there is no *in haec verba* requirement, an added claim limitation must be supported in the specification through express, implicit or inherent disclosure (MPEP §2163, I. B.) Applicants believe that such support exists in the present case.

To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention. Possession may be shown in a variety of ways including, as here, description of an actual reduction to practice. Applicants believe that the limitation is fully supported in the specification with respect to the use of deoxycholate as the ionic surfactant and additionally that those of skill in the art would recognize that other ionic surfactants would be expected to behave in a manner consistent with that demonstrated with deoxycholate.

Withdrawal of the rejection under 35 U.S.C. §112, first paragraph is respectfully requested.

It is respectfully submitted that the above-identified application is in condition for allowance and favorable reconsideration and prompt allowance of these claims are respectfully requested. The dependent claims are believed allowable for the same reasons as the independent claims from which they ultimately depend, as well as for their additional limitations. Should the Examiner require clarification of any of the above, the Examiner is invited to contact Applicants' undersigned attorney at the telephone number listed below.

Respectfully submitted,

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A handwritten signature in cursive script, reading "Kathy Smith Dias", is written over a horizontal line.

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